

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:05-00041

DENNIS DWAYNE BARRETT

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On January 29, 2008, the United States of America appeared by Monica K. Schwartz, Assistant United States Attorney, and the defendant, Dennis Dwayne Barrett, appeared in person and by his counsel, Edward H. Weis, Assistant Federal Public Defender, for a hearing on the petition on supervised release submitted by Senior United States Probation Officer John B. Edgar, the defendant having commenced a three-year term of supervised release in this action on January 23, 2008, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on September 6, 2005.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) that the defendant used and possessed cocaine as evidenced by a positive urine screen submitted by him on June 13, 2008, and his admission on that same date that he had used cocaine on June 11, 2008; and (2) that the defendant failed to report to the probation officer as instructed in that he was directed by the probation officer in North Carolina to return to West Virginia and report to the probation office on June 17, 2008, the defendant having failed to do so as of August 18, 2008, as of which date the defendant's whereabouts were unknown to the probation officer who thereupon filed this petition with the undersigned on the same date; all - as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously

imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, on the basis of the original offense, the intervening conduct of the defendant and after considering the factors set forth in 18 U.S.C. § 3553(a), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of FIVE (5) MONTHS, to be followed by a term of thirty-one (31) months of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, the further condition that the defendant not commit another federal, state or local crime, and the following special conditions:

1. The defendant shall spend a period of SIX (6) MONTHS in Transitions, Inc., and participate in the drug and alcohol abuse and treatment program available to him. The defendant shall be released from custody by 10:00 a.m. on

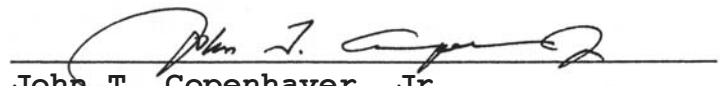
February 23, 2009, so that he may report to Transitions, Inc. by noon that same day and the defendant shall report directly from his place of incarceration to Transitions, Inc. and be transported there by his brother, Tony Barrett.

2. Once released from the community confinement center, the defendant shall participate in an outpatient or aftercare drug abuse counseling and treatment program as directed by the probation officer.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: February 3, 2009


John T. Copenhaver, Jr.
United States District Judge